

TODD D. THIBODO (State Bar No. 171655) todd@thibodo.com  
LAW OFFICES OF TODD D. THIBODO  
A PROFESSIONAL CORPORATION  
16133 Ventura Boulevard, Suite 580  
Encino, California 91436  
Tel: (818) 907-5769  
Fax: (818) 907-5793

Attorney for Defendants KM & ASSOCIATES  
INTERNATIONAL, LLC, KB&M PROJECTS  
INTERNATIONAL, LLC and CTL PROJECTS  
INTERNATIONAL, LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KEVIN SO,  
  
Plaintiff,  
  
v.  
  
LAND BASE, LLC, et al.,  
  
Defendants.

CASE NO. CV 08-3336 DDP (AGR<sub>x</sub>)  
  
DECLARATION OF TODD D.  
THIBODO WITH EXHIBITS A TO Q  
IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT, OR IN  
THE ALTERNATIVE, SUMMARY  
ADJUDICATION BY DEFENDANTS  
KEVIN KONDAS, MIRA MELTZER,  
KM & ASSOCIATES  
INTERNATIONAL, LLC, KB&M  
PROJECTS INTERNATIONAL, LLC  
AND CTL PROJECTS  
INTERNATIONAL, LLC

Date: 06-07-10  
Time: 10:00 a.m.  
Room: 3  
[Hon. Dean D. Pregerson]

Complaint filed: 05-20-08  
Final Pretrial  
Conference: 07-26-10  
Trial: 08-03-10

[Filed and served concurrently with  
Notice of Motion and Motion for  
Summary Judgment, or in the  
Alternative Summary Adjudication;  
Memorandum of Points and  
Authorities; Separate Statement of  
Uncontroverted Facts and Conclusions  
of Law; [Proposed] Order]

**DECLARATION OF TODD D. THIBODO**

I, Todd D. Thibodo, declare:

1. I am an attorney at law licensed to practice before the courts of the State of California and before this Court. I am the attorney of record for Defendants KM & Associates International, LLC, KB&M Projects International, LLC and CTL Projects International, LLC (“Defendants”) in United States District Court Central District of California Case No. CV 08-3336 DDP (AGRx), *So v. Land Base, LLC, et al.* I have personal knowledge of the facts stated below, except those facts stated on information and belief and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of Plaintiff’s Rule 26 Initial Disclosure Statement served by Plaintiff on February 20, 2009 in this matter.

3. Attached hereto as Exhibit B are true and correct copies of pages 8, 9, 11, 17, 54, 55, 99, 100, 113, 114, and 115 of Volume 1 of the Deposition of Plaintiff Kevin So (“So Depo., Vol. 1”), March 11, 2010. I attended both days of Plaintiff’s deposition.

4. Attached hereto as Exhibit C are true and correct copies of pages 157, 176, 177, 178, 179, 248, 249, 250, 252, 253, 257, and 261 of Volume 2 of the Deposition of Kevin So (“So Depo., Vol. 2”), March 12, 2010.

5. Attached hereto as Exhibit D is a true and correct copy of Exhibit 10 to the So Depo., Vol. 2. Plaintiff acknowledged that he signed the document and otherwise authenticated this document at page 176, line 22 through page 177, line 14.

6. Attached hereto as Exhibit E is a true and correct copy of the UK Litigation “Witness Statement of Kevin So” dated August 11, 2006 (“So Witness Statement”). The So Witness Statement was produced by Plaintiff during discovery in this case and is Bates numbered “SO-0001279-1289.” During the

1 first day of his trial testimony in the UK Litigation, So testified in response to  
2 questions from his own attorney and the trial judge that he had reviewed and  
3 signed the So Witness Statement. (*See*, paragraph 7, below, Exh. F, 10/15/07  
4 Transcript of Trial Testimony of Kevin So, High Court of Justice, Queen’s Bench  
5 Division, Commercial Court, 2005 Folio No. 841 (“So Trial Tr., 10/15/07”),  
6 17:16-25.) He also testified to and corrected a typographical error at paragraph 59  
7 of the document. (Thibodo Decl., Exh. F, So Trial Tr., 10/15/07, 18:7-11.)  
8 Finally, he adopted the So Witness Statement as his “evidence-in-chief” in the  
9 trial. (Thibodo Decl., Exh. F, So Trial Tr., 10/15/07, 19:8-12.)

10           7. Attached hereto as Exhibit F are true and correct copies of pages  
11 17-19 and 23 of the So Trial Tr., 10/15/07. The transcript of Plaintiff’s October  
12 15, 2007 testimony in the trial of the UK Litigation was among the 70,000 pages  
13 of documents produced by Plaintiff during discovery in this case. The October 15,  
14 2007 transcript is Bates numbered “SO-0027019-0027050.” Because “SO-  
15 0027019-0027050” is a condensed version of the transcript, my office contacted  
16 the court reporter, Merrill Legal Solutions | WordWave International | Smith  
17 Bernal (“Merrill Legal Solutions”) to request a full-size transcript. On May 7,  
18 2010, Merrill Legal Solutions e-mailed full-size copies of the transcripts for all  
19 four days of the So trial testimony in the UK Litigation. Also attached hereto as  
20 Exhibit F are true and correct full-size copies of pages 17-19 and 23 of the So  
21 Trial Tr., 10/15/07, which were e-mailed to my office on May 7, 2010 by Merrill  
22 Legal Solutions. A copy of the e-mail transmittal from Merrill Legal Solutions to  
23 my assistant is attached as the last two pages of this exhibit.

24           8. Attached hereto as Exhibit G is a true and correct copy of page  
25 54 of the October 16, 2007 transcript of the Trial Testimony of Kevin So, in the  
26 High Court of Justice, Queen’s Bench Division, Commercial Court, 2005 Folio  
27 No. 841 (“So Trial Tr., 10/16/07”). A copy of So Trial Tr., 10/16/07 was  
28 produced by Plaintiff during discovery in this case and is Bates numbered “SO-

1 0027051-0027078.” Also attached hereto as Exhibit G is a true and correct full-  
2 size copy of page 54 of the So Trial Tr., 10/16/07, which was e-mailed to my  
3 office on May 7, 2010 by Merrill Legal Solutions.

4 9. Attached hereto as Exhibit H are true and correct copies of pages  
5 10-11 and 66-68 of the October 17, 2007 transcript of the Trial Testimony of  
6 Kevin So, in the High Court of Justice, Queen’s Bench Division, Commercial  
7 Court, 2005 Folio No. 841 (“So Trial Tr., 10/17/07”). A copy of So Trial Tr.,  
8 10/17/07 was produced by Plaintiff during discovery in this case and is Bates  
9 numbered “SO-0027079-0027108.” Also attached hereto as Exhibit H are true  
10 and correct full-size copies of pages 10-11 and 66-68 of the So Trial Tr., 10/17/07,  
11 which were e-mailed to my office on May 7, 2010 by Merrill Legal Solutions.

12 10. Attached hereto as Exhibit I are true and correct copies of pages  
13 14, 32, 34-35, 42, 44, 47-48, 62-63, 65-66 and 71 of the October 18, 2007  
14 transcript of the Trial Testimony of Kevin So, in the High Court of Justice,  
15 Queen’s Bench Division, Commercial Court, 2005 Folio No. 841 (“So Trial Tr.,  
16 10/18/07”). A copy of So Trial Tr., 10/18/07 was produced by Plaintiff during  
17 discovery in this case and is Bates numbered “SO-0027109-0027139.” Also  
18 attached hereto as Exhibit I are true and correct full-size copies of pages 14, 32,  
19 34-35, 42, 44, 47-48, 62-63, 65-66 and 71 of the So Trial Tr., 10/18/07, which  
20 were e-mailed to my office on May 7, 2010 by Merrill Legal Solutions.

21 11. Attached hereto as Exhibit J is a true and correct copy of  
22 the Judgment in *HSBC Bank PLC v. 5th Ave. Partners Ltd.*, Case No. 2005 Folio  
23 841, [2007] EWHC 2819 (Comm) (“UK Judgment”). The UK Judgment was  
24 authenticated by Plaintiff in discovery in this case, in response to Defendant’s  
25 Request for Admissions. A true and correct copy of Plaintiff’s Amended  
26 Responses to Defendant’s First Set of Requests for Admissions is attached hereto  
27 as Exhibit K.

